

REMARKS

In the Office Action mailed February 15, 2008 from the United States Patent and Trademark Office, claims 1-9 and 12-21 were allowed and claims 10-11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully provides the following, which substantially sets forth the same points made in the Examiner's Interview on April 1, 2008.

In the Office Action, claims 10-11 were rejected, apparently for a misunderstanding of how the claimed invention of claims 1, 10, and 11 function. Specifically, it appears that the recitation in claim 10 of:

using the multi-functional peripheral to process the fax job includes retrieving the fax from storage of the multifunctional peripheral, connecting with a receiving process at the computer device, and sending the fax to the receiving process at the computer device

has been misinterpreted as not pertaining to the recited step of "using the multi-functional peripheral to process the fax job" from claim 1. Instead, it was indicated that it was believed that the recited limitations of claim 10 belonged instead immediately following the first limitation of claim 1.

This is not the case, and Applicant respectfully submits that claim 10 is correct and not indefinite in its current form in light of the interpretation of the claim that would be given it by one of ordinary skill in the art in light of the application as filed. M.P.E.P. § 2173.02 discusses the requirement of definiteness of 35 U.S.C. § 112, second paragraph. This section indicates, "Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; . . . and (C) The claim interpretation that would be given by one possessing ordinary skill in the pertinent art." Applicant believes that claims 10-11 are clear and not indefinite in light of the application as filed, especially at page 20 line 23

through page 21 line 16 and Figure 9. Particular reference may be made to page 21 lines 8-13.

These portions of the specification are reproduced below for reference:

With reference now to Figure 9, a representative embodiment for providing a retrieve spooled fax configuration is illustrated. In Figure 9, a user interacts with a fax application, and/or an MFP driver, and specifies one or more spooled faxes, fax sources, or other identifying criteria to retrieve from the device. A spooled fax is a received fax that the MFP device has spooled to storage and has not yet delivered to the end destination or is spooled at another location (e.g., source) of which the MFP has been notified. In at least one embodiment where a received fax is spooled at another location (e.g., source), the MFP pulls the fax from where it is spooled.

The fax job is constructed in a format compatible with the fax component of the MFP device and spooled to the spooler. The spooler then despools the fax job to the printer port associated with the MFP device. The MFP device interprets the fax job as a fax retrieval, interprets any options, optionally converts the facsimile message into a format compatible with the receiving process at the client computing side, connects with a process at the client computing device (e.g., FTP, TCP/IP) and sends it to the client computing device.

In other configurations, the fax job request instructs the MFP device where to deliver future facsimile messages (i.e., automatic fax in) versus spooling the facsimile message (i.e., interactive fax in).

(Emphasis added to the portion at page 21 lines 8-13.)

As may be seen from the above portions of the specification, the limitations recited in claim 10 occur after the fax job (corresponding to the fax request to retrieve the fax from the MFP) has been spooled to the spooler and despooled to the printer port.

To assist in understanding claim 10, Figure 9 is also reproduced below, with the limitations of claims 1 and 10 also shown and annotated onto Figure 9, to more fully illustrate how the claims would be understood by one of skill in the art with reference to the specification and drawings.

using the multi-functional peripheral to process the fax job.

10. A method as recited in claim 1, wherein using the multifunctional peripheral to process the fax job includes retrieving the fax from storage of the multifunctional peripheral, connecting with a receiving process at the computer device, and sending the fax to the receiving process at the computer device.

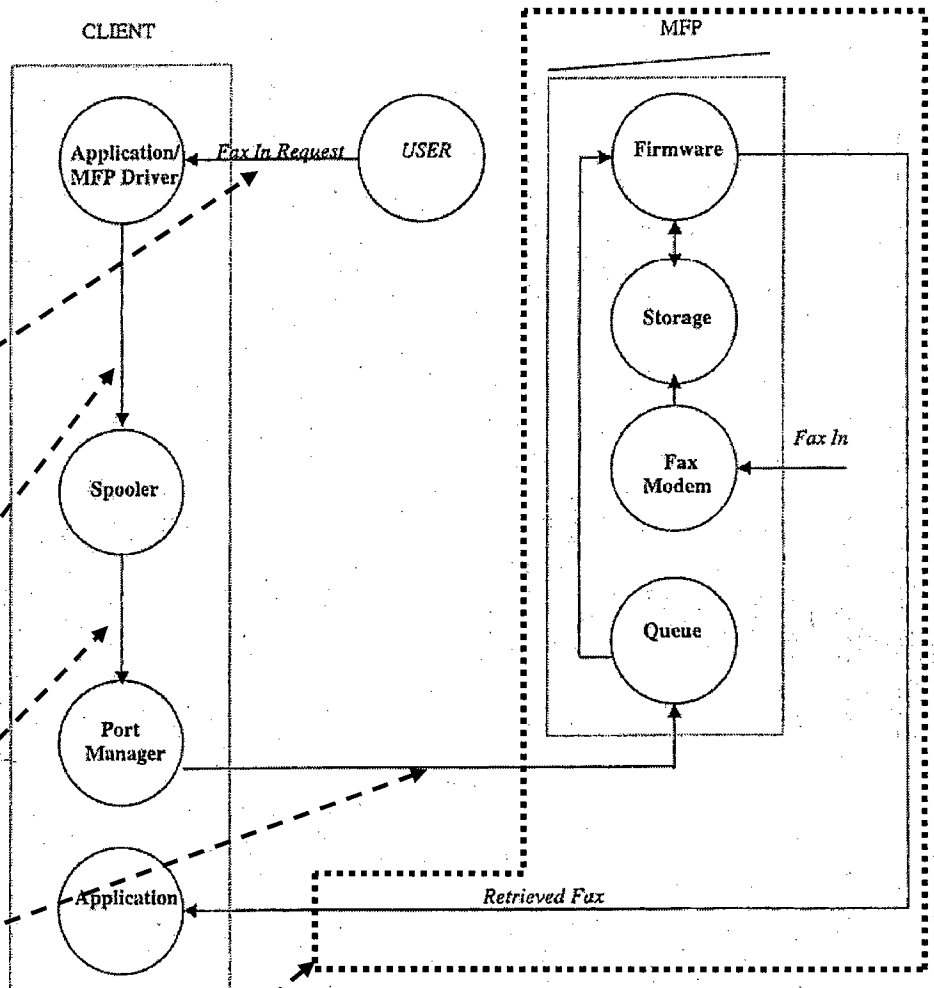


FIG. 9

From the above portions of the specification and from Figure 9, it is clear that one of skill in the art would understand that claim 10 indeed comprises portions of the described process that are part of “using the multi-functional peripheral to process the fax job” as recited in claims 1 and 10. Therefore, Applicant respectfully submits that claim 10 is not indefinite. The additional feature(s) of claim 11 are also described in the above-recited portion of the specification as filed, and would be understood by one of skill in the art by reference to those portions of the specification. Therefore Applicant respectfully submits that claim 11 is also not indefinite.

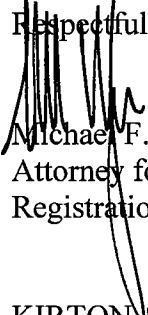
In light of the specification and Figures as filed, as illustrated by the above remarks, Applicant respectfully submits that claims 10 and 11 are not indefinite. Applicant therefore respectfully requests removal of the rejections under 35 U.S.C. § 112, second paragraph, and allowance of the application.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 7 day of April, 2008.

Respectfully submitted,


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